



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Hartig, M. et al) Art Unit: 3743
U.S. Appln. No. : 10/718,404) Examiner:
Confirmation No. : 9739
U.S. Filing Date : 11/20/2003
Title of Invention : Tiotropium Containing Powder Formulation For Inhalation
Attny. Docket No.: 1/1425

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

August 24, 2004

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A and B) with copies of all references cited therein. This is being submitted pursuant to 37 C.F.R. §1.56 and before the mailing of a first Office Action on the merits, pursuant to 37 CFR § 1.97(b).

It should be noted that the references listed in the Information Disclosure Statement have been cited in the International Search Report (ISR) for PCT/EP 03/12911, which corresponds to the present US application. A copy of that ISR is enclosed herewith.

1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 33 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

A statement as specified in 37 C.F.R. §1.97(e) [see below]; or

The fee set forth in 37 C.F.R. §1.17(p).

The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).

1.97(e).

Each item of information contained in the instant information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or

No item of information contained in the instant information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the instant information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the filing of the instant information disclosure statement.

The fee set forth in 37 C.F.R. §1.17(p).

The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

1.704(d). Each item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, which communication was not received by any individual designated in section 1.56(c) more than thirty (30) days prior to the filing of the accompanying information disclosure statement.

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

Triplicate copies of this form are enclosed.

Respectfully submitted,


Andrea D. Small
Attorney for Applicant(s)
Reg. No. 54,859

Patent Department
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900 Ridgebury Road, P.O. Box 368
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Andrea D. Small, Reg. No. 54,859

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AUG 27 2004

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

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of

4

Complete if Known

Application Number	10/718,404
Filing Date	11/20/2003
First Named Inventor	Mareke HARTIG
Art Unit	3743
Examiner Name	

Attorney Docket Number 1/1425

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 2003/0235538 A1	12/25/2003	Zierenberg, B.	
		US-2004/0029907 A1	02/12/2004	Banholzer, R. et al	
		US- 2003/0043687 A1	03/06/2003	Boeck, G. et al	
		US- 2003/0070679 A1	04/17/2003	Hochrainer, D. et al	
		US- 2002/0110529 A1	08/15/2002	Bechtold-Peters, K. et al	
		US- 2003/0125350 A1	07/03/2003	Hassan I. F. et al	
		US- 6,645,466 B1	11/11/2003	Keller, M. et al	
		US- 5,478,578	12/26/1995	Arnold, K. et al	
		US- 3,860,618	01/14/1975	Hartley, P. S. et al	
		US- 6,284,287 B1	09/04/2001	Sarlikiotis, W. et al	
		US- 2003/0202944 A1	10/30/2003	Staniforth, J. N.	
		US- 5,947,118	09/07/1999	Hochrainer, D. et al	
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 03/084502 A1	10/16/2003	BI Pharma GmbH & Co. KG		
		WO 03/084509 A1	10/16/2003	BI Pharma GmbH & Co. KG		
		WO 03/017970 A1	03/06/2003	BI Pharma KG		
		WO 02/098874 A2	12/12/2002	BI Pharma KG		
		WO 02/30389 A1	04/18/2002	BI Pharma KG		

Examiner Signature	Date Considered
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 02/30390 A2	04/18/2002	BI Pharma KG		
		WO 00/47200 A1	08/17/2000	Novartis		
		WO 00/28979 A1	05/25/2000	Skyepharma AG		
		WO 93/11746 A1	06/24/1993	BI Int'l GmbH		
		FR 8 142 M	08/17/1970	Fisons Pharm.		

Examiner Signature		Date Considered	
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First Named Inventor	Mareke HARTIG
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Substitute for form 1449B/PTO				Complete if Known	
AUG 27 2004				Application Number	10/718,404
				Filing Date	11/20/2003
				First Named Inventor	Mareke HARTIG
				Art Unit	3743
				Examiner Name	
(Use as many sheets as necessary)					
Sheet	4	of	4	Attorney Docket Number	1/1425

NON-PATENT LITERATURE DOCUMENTS

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